

REMARKS

Claims 1-3, 5-7, 9, 11-23, and 25-38 are pending. Claims 1, 6, 9, 11, 12, 26-28, and 33 have been amended. Claim 8 has been canceled. Claim 38 has been added. No new matter has been presented.

Claim 33 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended the claim to positively recite "the wand" in place of "it," as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

Claims 1-3, 25-29, and 31-37 stand rejected under 35 U.S.C. 103(a) over Ohara (US 6,148,474) in view of Tapp (US 4,393,536). Claims 1-3, 5-9, 11-23, 25-29, and 31-37 stand rejected under 35 U.S.C. 103(a) over Nighy (US 2002/0189046) in view of Tapp (US 4,393,536). Claim 30 stands rejected under 35 U.S.C. 103(a) over Ohara as applied to claims 1-3, 25-29, and 31-37, and further in view of Yang (US 2002/0083550). These rejections are traversed.

Claim 1 is directed to a cleaning appliance including a main body and a hose and wand assembly. The main body comprises hose seats located at forward and rearward positions of the main body. The hose seats define recesses for holding the hose in a fixed position with respect to the main body at a plurality of points along the length of the hose when the hose is made to pass at least once around the main body. The applied art does not disclose or suggest a cleaning appliance having hose seats that define recesses for holding a hose, the hose seats being located at forward and rearward positions of the main body of the cleaning appliance.

The Examiner contends that Tapp's clamps 22 suggest the claimed hose seats. Applicants respectfully disagree. First, Tapp's clamps do not define recesses for holding a hose. In fact, Tapp's clamps do not retain a hose at all, as they are for retaining rigid tube 15. Second, Tapp's clamps are not provided at forward and rearward positions of the main body, as claimed. The Examiner asserts that Tapp's clamps are provided on "multiple sides being the back and front" of canister 10. But Tapp's figures clearly depict the clamps as located on only side of canister 10: the top. Moreover, providing the clamps on multiple sides would render Tapp's vacuum cleaner inoperable for its intended purpose. Specifically, the vacuum cleaner of Tapp

can be converted from a cylinder to an upright cleaner. Figure 1 illustrates the vacuum cleaner when used in cylinder mode, with the clamps located on the top of the cylinder. It is essential that the clamps are located at the top of the cylinder because if the clamps were located on a side of the cylinder then, when used in upright mode, the main body would generate a large downward torque. It would therefore be extremely difficult for a user to operate the cleaner in upright mode without the main body twisting downwards so that the wand is above the main body. Accordingly, one of ordinary skill in the art would not provide Tapp's clamps at forward and rearward positions of the cylinder. In view of Tapp's deficiencies, and because the other cited art does not remedy these deficiencies, the invention defined by claim 1 would not have been obvious.

Claim 6 is directed to a cleaning appliance including a main body and a hose and wand assembly, the main body including two generally cylindrical containers lying next to one another. An upper surface of the main body includes a channel lying between the containers for receiving the wand. The applied art does not disclose or suggest a cleaning appliance having two cylindrical containers and a channel located between the containers. Indeed, the Examiner conceded in the Interview Summary dated February 26, 2009 that claim 8 (from which the currently added limitation was copied) overcame the rejections on record. While the Examiner is of course free to change his mind, the Action does not explain where in the applied art a "channel lying between the containers for receiving the wand" is disclosed or suggested, or why one of ordinary skill in the art would have found it obvious to modify the applied art to include this feature. Accordingly, the Examiner has not met his burden of presenting a prima facie case of obviousness. MPEP 2142. Furthermore, applicants submit that the invention of claim 6 would not have been obvious to one of ordinary skill in the art since the applied art nowhere suggests the claimed two generally cylindrical containers lying next to one another and the claimed channel lying between the containers for receiving the wand.

Claim 25 is directed to a cleaning appliance including a main body and a hose and wand assembly, the main body including a hose receiving channel provided on multiple sides of the

main body. The applied art does not disclose or suggest a cleaning appliance having a hose receiving channel provided on multiple sides of the main body. Indeed, the Examiner has indicated previously in an interview that he would be willing to allow a claim that recites a 'hose receiving channel provided on multiple sides of the main body' in combination with an attachable wand, as claimed. See the Interview Summary dated February 26, 2009. As with claim 6, the Action does not explain where in the applied art "a hose receiving channel provided on multiple sides of the main body" is disclosed or suggested, or why one of ordinary skill in the art would have found it obvious to modify the applied art to include this feature. On page 4 of the Action, the Examiner merely states that the claimed channel can be anything because it is not clear where it is located or how it is shaped. As to location, applicants note that the claim specifies that the hose receiving channel is provided on multiple sides of the main body. And while the shape may not be defined more than what is implicit in the term "channel," applicants respectfully submit that it would be unreasonable to contend that Tapp's clamps constitute or suggest the claimed channel, if for no other reason than that one of ordinary skill in the art would not provide Tapp's clamps on multiple sides for the same reasons as already noted with respect to claim 1. Applicants do not perceive any other structural feature in the applied art that the Examiner could be interpreting to be the claimed hose receiving channel. Accordingly, the invention of claim 25 would not have been obvious to one of ordinary skill in the art.

Claim 28 is directed to a cleaning appliance including a main body and a hose and wand assembly, the main body comprising hose retaining features provided on multiple sides of the main body. The hose passes at least once around the main body and is retained by the hose retaining features. The applied art does not disclose or suggest hose retaining features provided on multiple sides of the main body. The Examiner asserts that Tapp's clamps 22 suggest the hose retaining features. Applicants submit, however, that Tapp's clamps do not suggest hose retaining features provided on multiple sides of the main body because Tapp's clamps are provided on only one side of canister 10 and one of ordinary skill in the art would understand that Tapp's clamps wouldn't be provided on multiple sides for the same reason as already noted

with respect to claim 1. Accordingly, the invention of claim 28 would not have been obvious to one of ordinary skill in the art.

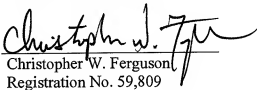
In view of the foregoing, claims 1, 6, 25, and 28 are allowable. The remaining claims are allowable at least for their dependency on an allowable base claim. Accordingly, applicants request that the Examiner withdraw the outstanding rejections and issue a Notice of Allowance. The Examiner is invited to contact applicants' undersigned representative to discuss this application should he believe it might expedite prosecution.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **424662010200**.

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